

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

WILLIAM H. JACKSON,

Plaintiff,

vs.

DAIMLERCHRYSLER CORP.,

Defendant.

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Cause No. 4:05 CV 1305 JCH

**MEMORANDUM AND ORDER**

This matter is before the Court on Defendant's Motion to Dismiss because of ERISA preemption. Plaintiff filed his original petition in this matter in the Circuit Court of St. Louis County on July 15, 2005. (Notice of Removal, Doc. No. 1). Defendant removed it to this Court on August 19, 2005. Defendant filed the instant Motion to Dismiss on September 12, 2005. (Doc. No. 6).

Defendant argues that the claim must be dismissed because it is preempted by the Employee Retirement Income Security Act of 1974 (ERISA). The Court notes that Plaintiff has since filed an amended complaint that is explicitly brought pursuant to ERISA, so Defendant's motion is now moot.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant DaimlerChrysler's Motion to Dismiss (Doc. No. 6) is **DENIED**.

Dated this 8th day of December, 2005.

/s/ Jean C. Hamilton

UNITED STATES DISTRICT JUDGE